

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS¹

NOW COMES the Defendant, Darren Wilder, through counsel, and submits the following proposed questions to the Court to use during *voir dire* of prospective jurors during jury selection in the above referenced case:

Please raise your hand if you would answer “yes” to the following questions:

1. During the past 10 years, have any of you served on a jury? Was the case civil or criminal? Without saying the outcome, did the jury reach a verdict? Did you form any opinions about lawyers for either the plaintiffs or the defense that might affect your ability to be fair to both sides if you sat as a juror in this case?
2. Have any of you ever been a witness in a state or federal court in any lawsuit, whether civil or criminal? For which side did you testify? What was the nature of the case?
3. Have you, or has any member of your family, attended law school or had other training in the law?
4. Have you, or has anyone in your immediate family, ever worked for any local or state

¹The Defendant has also submitted a proposed Jury Questionnaire. If the Court declines to use the Questionnaire or any of the questions set forth therein, the Court is respectfully urged to use the questions list in the Questionnaire during *voir dire* along with the instant questions

police or any federal law enforcement agency? If so, which agency? When? Where?

What was the position held ?

5. Have you, or has anyone close to you, ever been arrested or charged with a crime? If so, who was arrested or charged? Were you, or the person involved, prosecuted in a court of law? Was the case tried or settled? What was the outcome? How do you feel you, or the person involved, were treated, either by the police or anyone you or they dealt with afterwards?
6. Have you, or anyone else close to you ever been the victim of a serious or violent crime including sexual assault as a child? If so, was the person who did the crime caught or arrested? Did the event result in a court case/criminal prosecution? How do you feel you, or the person involved were treated, either by the police or anyone you or they dealt with afterwards? Is there anything about that experience that makes you unsure about whether you can be fair to both sides in this case?
7. The facts of this case involve allegations of use of the internet. Do any of you have such strong feelings about the potential for abuse of the internet that you think you might not be able to be fair to both sides in this case?
8. It is your duty as a juror to listen to the opinions and points of view of other members of the jury. By the same token, it is also your duty as a juror to express your opinion or point of view regarding the evidence to other members of the jury. Is there anyone here who would feel any reluctance in joining the discussion with other members of the jury during deliberations? Is there anyone here who might feel offended if other members of the jury disagree with his or her view of the evidence? Is there anyone here who might

feel unable to listen to a fellow juror who disagreed with you?

9. Have you ever been offended, disgusted or otherwise disturbed by the images of children appearing in underwear advertisement like Abercrombie and Fitch?
10. Have you, or anyone you know, read Parade Magazine in the last 30 days². If so, specify. If you did not, but someone you know did, has that person talked with you about anything they have read?
11. Do you have specialized training in the use and operation of computers or any computer programs or functions?
12. Do you have any specialized training in the use and operation of the internet?
13. Do you belong to any internet newsgroups?

²On February 19, 2006, an article appeared on the front cover of Parade Magazine advocating for increased penalties for possession of child pornography. Any jurors answering this question affirmatively should be subjected to a more thorough inquiry by the Court.

14. Do you receive downloads from any newsgroups on your computer?

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 1st day of March, 2006, a copy of the foregoing DEFENDANT'S PROPOSED *VOIR DIRE* QUESTIONS was served electronically upon Sherri Stephan, U.S. Department of Justice Child Exploitation and Obscenity Section 1400 New York Avenue NW, 6th Floor, Washington, DC 20005 and upon Dana Gershengorn, AUSA, United States Attorneys Office, One Courthouse Way, Boston, MA 02210.



Peter Charles Horstmann, Esquire